THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19731 OF 1995

DATED: 22-08-2006

BETWEEN

Smt. Perka Bhumakka, W/o. Late Perka Ramaiah,
Occ: Household, R/o. Narspur Colony, Gudisellu,
CCC Narspur, Manchiryal Mandal, Adilabad Dist.

...PETITIONER

AND

The General Manager,
Srirampur (Project Area),
The Singareni Collieries Co. Ltd,
Post: Srirampur Colony,
Srirampur, Adilabad Dist.
and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1, 2 & 3 in not providing dependant employment to her or in lieu of employment an amount of Rs.50,000/- as illegal and arbitrary.

Admittedly the petitioner is the wife of the deceased one P. Ramaiah, who expired on service at Singareni Collieries during 1982 and she was only nominated in the nomination form of the said deceased for all practical purposes. It is stated that though the petitioner alone is entitled to compassionate appointment or alternatively in lieu of employment to an amount of Rs.50,000/- she did not make any application for compassionate appointment or for payment of Rs.50,000/-. Taking advantage of petitioner's illiteracy the fourth respondent herein – the brother of her husband prepared

a joint representation on 04.07.1992 along with a compromise deed dated 30.06.1992 and submitted the same to the first respondent. The first respondent rejected the said representation on the ground that it has no legal sanctity. Then the mother of her deceased husband filed CD.No.429 of 1993 on the file of the District Forum, Adilabad, making the petitioner as one of the respondents along with other family members and Singareni Collieries Co. Limited. The first respondent herein contested the said CD and filed a detailed counter stating that the petitioner herein is the nominee and no claim is made by the nominee for employment and if any claim is made to provide employment it will be processed as per the rules of the Singareni Collieries. However, the District Forum allowed the said CD on 12.02.1993 and directed the Singareni Collieries to implement the terms of the compromise and further directed to process the application of the fourth respondent for compassionate appointment. Thereafter, the application of the fourth respondent was processed and he was appointed as dependant employee.

Learned counsel for the petitioner submits that the fourth respondent is neither entitled to employment nor to any emoluments in lieu of employment and the petitioner alone is entitled to compassionate appointment or alternatively to an amount of Rs.50,000/- in lieu of employment.

I am of the opinion that unless the petitioner questions the order of the District Forum in C.D.No.429 of 1993 it may not be possible for her to get any relief. Unfortunately, she does not question the said order in this writ petition but simply seeks a direction to set aside the appointment of the fourth respondent. More so, the order made in the said CD and the so-called compromise deed has not been enclosed with the writ petition. Though none of respondents have filed any counter disputing the said allegations and though the petitioner alone is entitled to dependant employment or in lieu of employment to an amount of Rs.50,000/-, it is an unfortunate case wherein it may not be possible for this Court to grant any relief to the writ petitioner as she has not questioned the order of the District Forum.

The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

August 22, 2006
DSK